

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.W.P. NO. 19636 OF 2004

DATE OF DECISION: 12.03.2007

Ashok Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Anil Chawla, Advocate,
for the petitioners.

Mr. Amol Rattan Singh, Addl. AG, Punjab,
for the respondents.

M.M. KUMAR, J. (Oral)

The prayer made in this petition, filed under Article 226 of the Constitution, is for quashing of order dated 17.3.2004 (P-9), passed by the Director Public Instructions, Punjab-respondent No. 2, declining the request made by the petitioners for payment of higher pay scale on the post of Lecturer on the basis of step-up principle as laid down in instructions 9.9.1988. It is not disputed that the petitioners were earlier working as teachers and thereafter in response to an advertisement for the post of Lecturer they had applied by way of direct recruitment. They were selected and appointed as lecturers on various dates starting from 1994 to 2002, as is evident from a perusal of the chart furnished by the petitioners (P-1). In order to

substantiate his argument, learned counsel for the petitioners has placed reliance on a Division Bench judgment of this Court in the case of Ram Lubhaya Sharma and others v. State of Punjab and others (C.W.P. No. 13574 of 1993, decided on 10.5.1994, Annexure P-5).

After hearing learned counsel for the parties at some length, we are of the view that the proficiency step-up principle as adopted in the instructions dated 9.9.1988 for fixation of pay on promotion has got no bearing in the facts and circumstances of the case because the petitioners are direct recruits on the post of lecturer. Even the Division Bench judgment in Ram Lubhaya Sharma's case (supra), on which reliance has been placed, was concededly a case of promotion as is evident from the aforementioned order. The policy instructions dated 9.9.1988 granting proficiency step-up were issued in order to break stagnation amongst the employees so as to create avenues of promotion and step-up their pay. Necessarily those instructions are meant for those employees who were in the zone of promotion and not direct recruits like the petitioners. In any case, the petitioners are working with privately managed schools and apart from the pay scale equivalent to the counter-parts in the Government service, no parity with regard to allowances would be available to them. There is no merit in the petition. Dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)

March 12, 2007

JUDGE

Pk Kapoor